

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

M.A.P.S., on her own behalf and on behalf of others similarly situated,

Petitioner-Plaintiff,

v.

ANGEL GARITE, in his official capacity as Assistant El Paso Field Office Director for U.S. Immigration and Customs Enforcement and Warden of the El Paso Processing Center, *et al.*,

Respondents-Defendants.

Case No: 3:25-cv-0171-DB

**PETITIONER-PLAINTIFF'S
MOTION FOR CLASSWIDE PRELIMINARY INJUNCTION**

Pursuant to Federal Rule of Civil Procedure 65, Petitioner-Plaintiff M.A.P.S. ("Petitioner"), on behalf of herself and the class of similarly situated persons, hereby moves this Court for a preliminary injunction to enjoin Respondents from removing Petitioner or members of the certified class from the United States under the Alien Enemies Act.

As further explained in the accompanying Memorandum, Petitioner is likely to prevail on the argument that the Proclamation violates the AEA, the Immigration and Nationality Act ("INA") and the Due Process Clause of the Fifth Amendment to the U.S. Constitution because summary removals without notice and a meaningful opportunity to challenge "Alien Enemy" designations violate the AEA and Constitutional Due Process requirements, and the Proclamation itself does not fall within the statutory bounds of the AEA. Moreover, the Proclamation violates

the specific protections that Congress established under the INA for noncitizens seeking humanitarian protection.

Petitioner, and class members, face immediate, irreparable harm absent an injunction. Without preliminary relief, Petitioner and members of the class can be summarily removed to places, such as Venezuela or El Salvador, where they face life-threatening conditions, persecution and torture. *See, e.g., Huisha-Huisha v. Mayorkas*, 27 F.4th 718, 733 (D.C. Cir. 2022) (irreparable harm exists where petitioners “expelled to places where they will be persecuted or tortured”). And, with respect to incarceration in El Salvador—the fate of all individuals previously removed under the Proclamation—the government takes the position it will not remedy any wrongful removals. *See A.A.R.P. v. Trump*, 605 U.S. ---, 2025 WL 1417281, at *2 (2025) (“The Government has represented elsewhere that it is unable to provide for the return of an individual deported in error to a prison in El Salvador.”).

In support of this Motion, Plaintiffs rely on the accompanying Memorandum and declarations. A proposed order is attached for the Court’s convenience.

Dated: May 20, 2025

Respectfully submitted,

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**Pro hac vice applications
forthcoming*
***Application for admission
forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2025, a true and correct copy of the foregoing document was electronically filed via the Court's CM/ECF system which sends notice of electronic filing to all counsel of record.

/s/ Lee Gelernt

Lee Gelernt

May 20, 2025